



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 34053 of 2025

1. Muhamadu Sowkath
2. Abdul Lathip
3. Abdul Avish
4. Jameen Bacha
5. Farish Mohamed
6. Satham Ushen
7. Haja Ameer
8. Ifthiyas
9. Mohamed Abdhula
10. Mohamed Ifrahim

Petitioner(s)

Vs

The State Rep. by,
The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur District.
Crime No.399/2024.

Respondent(s)



PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in STC No.889 of 2025, on the file of the learned Chief Judicial Magistrate Court, Thiruvarur and quash the entirety the same allowing this criminal original petition.

For Petitioner(s): Mr.H.Thameen Ansari

For Respondent(s): Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed to quash the proceedings in STC.No.889 of 2025, on the file of the Chief Judicial Magistrate Court, Thiruvarur.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent-Police and perused the materials available on record.

3. The petitioners were charged for the offences under Sections 189(2), 126(2) and 287 of BNS. The allegation against the petitioners is that they unlawfully assembled in front of Thailammai Theatre and raised slogans against actors Kamalahasan and Sivakarthikeyan and caused public nuisance.

4. Learned counsel for the petitioners would submit that the petitioners



peacefully participated in the protest, which was conducted against Kamal Haasan and Sivakarthikeyan, who are the maker and actor, respectively of the

movie “Amaran” depicting Kashmiri Muslims as extremists in the said movie.

The protest went peacefully and no criminal force was used either by the petitioners or any of the members of the group. There was no wrongful restraint either of the public or of the vehicles as alleged by the prosecution. Therefore, he would submit that no case has been made out as against the accused and continuation of criminal proceedings is only an abuse of process of law.

5. The learned Government Advocate (Crl.Side) appearing on behalf of the respondent submits that there are, in total, 50 accused out of whom only a few approached this Court.

6. It is to be noted that, while exercising the power under Section 528 of Bharatiya Nagarik Suraksha Sanhita / Section 482 of Code of Criminal Procedure, this Court should be slow, but at the same time, if the Court finds that the entire materials collected by the prosecution, even when taken at their face value, would not constitute any offence, in such a situation, directing the parties to undergo the ordeal of trial will be a futile exercise and it will infringe the right of the persons.



7. This Court is of the view that the entire incriminating materials collected by the prosecution, when read in entirety, do not make out any offence either under Section 143 IPC / 189(2) BNS. When the entire materials collected by the prosecution, when read in entirety, do not constitute any offence or make out a case against the accused, continuing prosecution without any materials, is a clear abuse of process of law, and therefore, it is a fit case to quash the criminal proceedings.

8. Further, on a perusal of the statement of witnesses, it is seen that none of the accused have been identified, and except the series of statements no other materials are available on record. The petitioners gathered and expressed their objections in the protest without causing any harm to anyone and therefore, such an act cannot be termed as offence at all.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in STC.No.889 of 2025, on the file of the Chief Judicial Magistrate Court, Thiruvarur is quashed in entirety, which means that it is quashed against the petitioners and other accused who have not approached this Court.

15-12-2025

RAP

Neutral Citation:Yes/No



To

1. The Inspector of Police,
Tiruvarur Town Police Station, Tiruvarur District.
Crime No.399/2024.

2. The Chief Judicial Magistrate Court, Thiruvarur



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A.D.JAGADISH CHANDIRA J.

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